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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,212	05/25/2001	David A. Fertell	3361-010198	4350

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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/866,212	FERTELL ET AL.	
	Examiner	Art Unit	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9,12-14 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 10,11,15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because they are difficult to read. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 9,12-14 and 17-20 rejected under 35 U.S.C. 102(e) as being anticipated by Ford et al (US Patent No 6,606,644).

4. In reference to claims 9 and 17, Ford teaches a method of remotely monitoring an Internet session (Abstract and column 2 lines 23-67), the method comprising the steps of:

(a) participating in a first Internet session at a first Internet protocol (IP) address (column 3 lines 12-55, column 5 lines 1-20 and column 6 lines 25-60; Ford teaches sessions between clients and server);

(b) concurrent with the first Internet session, initiating another Internet session at another IP address (column 2 lines 23-67, column 6 lines 25-60 and figures 1&4; Ford teaches initiating another session); and

(c) transferring data associated with the first Internet session to the other IP address via the other Internet session (column 3 lines 12-55, column 6 lines 25-60, column 10 line 50 – column 11 line 60, column 13 lines 1-45 and figures 1&4; Ford teaches transferring, gathering, summarizing and analyzing session data).

5. In reference to claims 12, and 18, Ford teaches method as set forth in claims 9 and 17 above, wherein the data associated with the other Internet session includes at least one of (i) data previously displayed in connection with the first Internet session and (ii) data displayed in real-time in connection with the first Internet session (column 2 lines 23-67, column 3 lines 12-55 and column and column 12 lines 35-51).

6. In reference to claims 13 and 19, Ford teaches the method as set forth in claims 9 and 17 above, further including at least one of the steps of:

displaying the transferred data; and storing the transferred data (column 2 lines 23-67, column 3 lines 12-55 and column and column 12 lines 35-51).

7. In reference to claim 20, Ford teaches the method as set forth in claim 17, wherein each IP address includes at least one of a unique server address and unique a port number. (Summary;

It is inherent that each of the clients, server and user are all different entities and thus will connect with unique address and port numbers).

Allowable Subject Matter

8. Claims 10,11,15 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

The below indicated limitations if written into independent claim 9 would render the claims patentable over the cited art due to the novelty of the subject matter:

- wherein step (c) includes the step of transferring data associated with the first Internet session to the third IP address via the third Internet session
- determining a first check sum for the data associated with the first Internet session; transferring the first check sum to the other IP address via the other Internet session with the data associated with the first Internet session
- determining a second check sum for the transferred data; and
- in response to detecting a match between the first and second check sums, displaying and/or storing transferred data.
- applying a time-stamp to the data associated with the first Internet session.

10. Claims 1-8 allowed.

11. The following is an examiner's statement of reasons for allowance:

The subject matter of independent claim 1 is found to be patentable over the cited references. The particular sequence of establishing a remote monitoring session that is monitoring an Internet session between a local computer and a remote computer, by a third monitoring computer is considered to be novel and therefore patentable. The details outlined in the specification on page 1 paragraph 005 – page 3 paragraph 014 and also on page 9 paragraphs 037 & 038, show the functions of concurrent sessions taking place between the local computer and the remote computer, and also with the local computer and the monitor computer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (703) 305-8050. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

September 27, 2004


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SUPERVISORY PATENT EXAMINER
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